(32)

No. 05-276
Vide 04-10649, 05-204, 05-254, 05-298, 05-439, 05-460
Title: Eddie Jackson, et al., Appellants
v.
Rick Perry, Governor of Texas, et al.
Docketed: September 1, 2005
Lower Ct: United States District Court for the Eastern District of Texas
Case Nos.: (2:03-CV-354)
Decision Date: June 9, 2005
Questions Presented

~~Date~~~	~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~
Aug 31 2005	Statement as to jurisdiction filed. (Response due October 3, 2005)
Oct 10 2005	Waiver of right of appellees Rick Perry, Governor of Texas, et al. to respond filed.
Oct 13 2005	DISTRIBUTED for Conference of October 28, 2005.
Oct 31 2005	DISTRIBUTED for Conference of November 4, 2005.
Nov 7 2005	DISTRIBUTED for Conference of November 10, 2005.
Nov 18 2005	DISTRIBUTED for Conference of November 23, 2005.
Nov 28 2005	DISTRIBUTED for Conference of December 2, 2005.
Dec 5 2005	DISTRIBUTED for Conference of December 9, 2005.
Dec 12 2005	PROBABLE JURISDICTION NOTED The case is consolidated with Nos. 05-204, 05-254, 05-439, and a total of two hours is allotted for oral argument.
Dec 15 2005	The opening briefs of appellants are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, January 10, 2006. The brief of appellees is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, February 1, 2006. Reply briefs of appellants, if any, are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, February 22, 2006. The cases are set for oral argument at 1 p.m., Wednesday, March 1, 2006.
Dec 15 2005	SET FOR ARGUMENT on Wednesday, March 1, 2006.
Jan 5 2006	Brief amici curiae of University Professors Concerned about Equal Representation for Equal Numbers of People filed. VIDED.
Jan 9 2006	Brief of appellee Charles Soechting in support filed. VIDED. (Distributed)
Jan 9 2006	Brief amicus curiae of Neil H. Cogan filed. (Distributed)
Jan 9 2006	Brief amicus curiae of Fort Worth - Tarrant County Branch NAACP filed. (Distributed)
Jan 9 2006	Brief amici curiae of Reform Institute, Thomas Mann and Norman Ornstein filed. VIDED. (Distributed)
Jan 10 2006	Brief amici curiae of League of Women Voters of the United States, et al. filed. VIDED. (Distributed)
Jan 10 2006	CIRCULATED.
Jan 10 2006	Brief amici curiae of Brennan Center for Justice at NYU School of Law filed. VIDED. (Distributed)
Jan 10 2006	Brief amicus curiae of Center for American Progress filed. VIDED. (Distributed)
Jan 10 2006	Brief amicus curiae of Professors Gary King, et al. in support of neither party filed.

	VIDED. (Distributed)
Jan 10 2006	Brief amici curiae of Samule Issacharoff, Burt Neuborne, and Richard H. Pildes filed. VIDED. (Distributed)
Jan 10 2006	Joint appendix filed. (Joint appendix in two volumes) VIDED. (Distributed)
Jan 10 2006	Brief of "Jackson Appellants" Eddie Jackson, et al. and "Democratic Congressional Intervenors" Chris Bell, et al. filed. VIDED. (Distributed)
Jan 10 2006	Brief amicus curiae of NAACP Legal Defense and Educational Fund, Inc. filed. VIDED. (Distributed)
Jan 10 2006	Brief of appellee Texas State - Area Conference of the National Association for Advancement of Colored People in support filed. (Distributed)
Jan 10 2006	Brief amici curiae of North Carolina State Conference of National Association for Advancement of Colored People filed.
Jan 17 2006	Motion for divided argument filed by appellants in Nos. 05-254, 05-276, and 05-439. VIDED. (Distributed)
Jan 17 2006	Motion for divided argument filed by appellants No. 05-204. VIDED. (Distributed)
Jan 20 2006	Application (05A663) to file respondents brief on the merits in excess of page limits, submitted to Justice Scalia.
Jan 23 2006	Supplemental letter of applicant received.
Jan 23 2006	Motion for divided argument filed by petitioners GRANTED. The time is to be divided as follows: 40 minutes for appellants in No. 05-276 and 20 minutes for appellants in No. 05-439.
Jan 23 2006	Motion for divided argument filed by petitioners DENIED.
Jan 24 2006	Application (05A663) to file a consolidated appellees brief in excess of page limits granted by Justice Kennedy. The brief may not exceed 125 pages.
Jan 31 2006	Brief amici curiae of Ron Wilson filed. VIDED. (Distributed)
Feb 1 2006	Brief of appellees Tina Benkiser and John DeNoyelles filed. VIDED. (Distributed)
Feb 1 2006	Brief of appellees Rick Perry, Governor of Texas, et al. filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of Glenn Richardson, et al. filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of American Legislative Exchange Council and Free Enterprise Coalition filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of Alan Heslop, et al. filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of Republican National Committee filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of Robert C. Jubelirer filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of Utah, Nevada, and Ohio filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of United States filed. VIDED. (Distributed)
Feb 1 2006	Brief amici curiae of Edward Blum and Roger Clegg filed. VIDED. (Distributed)
Feb 7 2006	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed. VIDED.
Feb 17 2006	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.
Feb 22 2006	Reply of appellee Texas State - Area Conference of the National Association for Advancement of Colored People filed. (Distributed)
Feb 22 2006	Reply of appellants Eddie Jackson, et al., and Democratic Congressional Intervenors filed. (Distributed)

Docket for 05-276

Mar 1 2006 Argued. For appellants in No. 05-276: Paul M. Smith, Washington, D.C. For appellants in No. 05-439: Nina Perales, San Antonio, Tex. For appellees: R. Ted Cruz, Solicitor General, Austin, Tex.; and Gregory G. Garre, Deputy Solicitor General, Department of Justice, Washington, D.C. (for United States, as amicus curiae.)

Supreme Court, U.S.
FILED
06 AUG 31 2005
OFFICE OF THE CLERK

No. 05-276

IN THE

Supreme Court of the United States

EDDIE JACKSON, *et al.*,
Appellants,

v.

RICK PERRY, *et al.*,
Appellees.

On Appeal from the United States District Court for the Eastern District of Texas

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED

1. Whether the Equal Protection Clause and the First Amendment prohibit States from redrawing lawful districting plans in the middle of the decade, for the sole purpose of maximizing partisan advantage.

2. Whether Section 2 of the Voting Rights Act permits a State to destroy a district effectively controlled by African-American voters, merely because it is impossible to draw a district in which African-Americans constitute an absolute mathematical majority of the population.

3. Whether, under *Bush v. Vera*, 517 U.S. 952 (1996), a bizarre-looking congressional district, which was intentionally drawn as a majority-Latino district by connecting two far-flung pockets of dense urban population with a 300-mile-long rural "land bridge," may escape invalidation as a *racial* gerrymander because drawing a compact majority-Latino district would have required the mapmakers to compromise their *political* goal of maximizing Republican seats elsewhere in the State.

PARTIES TO THE PROCEEDING

Plaintiff-appellants filing this Jurisdictional Statement are the "Jackson Plaintiffs" (Eddie Jackson, Barbara Marshall, Gertrude "Traci" Fisher, Hargie Faye Jacob-Savoy, Ealy Boyd, J.B. Mayfield, Roy Stanley, Phyllis Cottle, Molly Woods, Brian Manley, Tommy Adkisson, Samuel T. Biscoe, David James Butts, Ronald Knowlton Davis, Dorothy Dean, Wilhelmina R. Delco, Samuel Garcia, Lester Gibson, Eunice June Mitchell Givens, Margaret J. Gomez, Mack Ray Hernandez, Art Murillo, Richard Raymond, Ernesto Silva, Louis Simms, Clint Smith, Connie Sonnen, Alfred Thomas Stanley, Maria Lucina Ramirez Torres, Elisa Vasquez, Fernando Villareal, Willia Wooten, Ana Yañez-Correa, and Mike Zuniga, Jr.); and the "Democratic Congressional Intervenors" (Chris Bell, Gene Green, Nick Lampson, Lester Bellow, Homer Guillory, John Bland, and Reverend Willie Davis).

Other plaintiffs in the court below are the League of United Latin American Citizens (LULAC); the "Valdez-Cox Plaintiff-Intervenors" (Juanita Valdez-Cox, Leo Montalvo, and William R. Leo); the Texas Coalition of Black Democrats (TCBD); the Texas Conference of National Association for the Advancement of Colored People Branches (Texas-NAACP); Gustavo Luis "Gus" Garcia; the "Cherokee County Plaintiff" (Frenchie Henderson); the "GI Forum Plaintiffs" (the American GI Forum of Texas, LULAC District 7, Simon Balderas, Gilberto Torres, and Eli Romero); Webb County and Cameron County; Congresswoman Sheila Jackson Lee and Congresswoman Eddie Bernice Johnson; and Travis County and the City of Austin.

Defendant-appellees are Rick Perry, Governor of Texas; David Dewhurst, Lieutenant Governor of Texas; Tom Craddick, Speaker of the Texas House of Representatives;

Roger Williams, Secretary of State of Texas; Tina Benkiser, Chairman of the Republican Party of Texas; and the State of Texas. Defendant-appellant is Charles Soechting, Chairman of the Texas Democratic Party. All individual defendants were sued in their official capacities.

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This case returns to the Court after the prior ruling of the three-judge District Court, which had upheld Texas's 2003 congressional redistricting plan, was vacated and remanded for further consideration in light of *Vieth v. Jubelirer*, 541 U.S. 267 (2004). *See Jackson v. Perry*, 125 S. Ct. 351 (2004). On remand, after additional briefing and argument, the District Court reaffirmed its prior ruling, finding no basis in *Vieth* for invalidating the 2003 plan as a partisan gerrymander, even though the District Court continued to recognize that the plan was enacted for purely partisan reasons at a time when a fully lawful plan was already in place. That ruling requires review by this Court to clarify that legislators cannot redistrict when their *only* reason for acting is to maximize partisan advantage. In addition, the very substantial questions presented relating to Section 2 of the Voting Rights Act and the *Shaw v. Reno* racial-gerrymandering doctrine — which were included in the first appeal but never addressed because the case was remanded in light of *Vieth* — merit plenary consideration as well.

OPINIONS BELOW

The three-judge District Court's majority and concurring opinions are reprinted at pages 1a to 55a of the Appendix to this Jurisdictional Statement ("J.S. App."). The District Court's final judgment is reprinted at J.S. App. 56a.

JURISDICTION

The District Court denied appellants' claims for injunctive relief on June 9, 2005. J.S. App. 40a. Pursuant to 28 U.S.C. § 2101(b), appellants timely filed a notice of appeal on July 5, 2005. *Id.* at 227a-229a. This Court's jurisdiction is invoked under 28 U.S.C. § 1253.